

DOCUMENT RESUME

ED 294 791

SO 018 837

AUTHOR Anderson, Brandi, Ed.
TITLE "We the People": Judge William Wayne Justice and Other East Texans on the Constitution.
PUB DATE 87
NOTE 85p.
AVAILABLE FROM Loblolly Magazine, Gary High School, Box 189, Gary, TX 75643 (\$3.00).
PUB TYPE Collected Works - Serials (022)
JOURNAL CIT Loblolly Magazine; v11 n2 Sum 1987
EDRS PRICE MF01/PC04 Plus Postage.
DESCRIPTORS *Constitutional History; *Constitutional Law; *Interviews; Law Related Education; Local History; School Publications; Social Studies; State History; *Student Developed Materials; United States History
IDENTIFIERS Bicentennial; *Texas (East); *United States Constitution

ABSTRACT

This special issue commemorates the Bicentennial of the U.S. Constitution by featuring high school students' interviews with prominent East Texas judges, political leaders, educators, clergy, businessmen, and a student. Those interviewed include: (1) William W. Justice, Chief Federal District Judge for East Texas; (2) Price Daniel, Governor of Texas; (3) Crawford Parker, Panola County (Texas) Judge; (4) Mid Johnson, student; (5) Keith Scott, government instructor; (6) James Speer, Gary (Texas) School Board member and Baptist minister; (7) Benedict Songy, Rector, Episcopal Church, Carthage (Texas); (8) Lloyd Grissom, publisher of the Panola County (Texas) newspapers; (9) Bob Hollenshead, Gary, Texas School Board member; (10) Mrs. Joe Latham, retired teacher; (11) Bill Haley, Texas State Representative; (12) Jim Box, retired teacher and writer; (13) Robert Pike, retired printer; and (14) Wanda Gaines, Panola (Texas) Junior College administrator. Interviews focus on the Constitution's purpose, meaning, history, and relationships to individual persons, schools, and religion in Texas. Personal philosophies, interpretations, and beliefs are included, along with pictures of the interviewees. (JHP)

* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *

ED294791

"We the People"

JUDGE WILLIAM WAYNE JUSTICE
& OTHER EAST
TEXANS ON THE CONSTITUTION

U. S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

- ☒ This document has been reproduced as received from the person or organization originating it.
- ☐ Minor changes have been made to improve reproduction quality.
- Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.



"PERMISSION TO REPRODUCE THIS
MATERIAL HAS BEEN GRANTED BY

LINCOLN KING

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)."

SUMMER

1987

\$3.00

LOBLOLLY

50 Q18837



FIRST STATE BANK & TRUST COMPANY

P. O. DRAWER 579
CARTHAGE, TEXAS 75633

We're Your
Home Owned
Home Operated
Home Grown
Home Town
Bank!

The Violet Shop

Sam and Lou
Patterson
693-5768
Carthage, Texas

John Foster
Marian Foster



Carthage Office Supply
New Location
109 N. St. Mary
Carthage, Texas 75633
214-693-3571

SALES AND SERVICE

• Typewriters • Supplies • Copiers
• Office Furniture • Business Machines



**SHELBY-PANOLA
SAVINGS
ASSOCIATION**

"All the financial home you'll ever need"

Phone 693-7161
119 S. Market Member FSLIC

Contents

- 2 "We the People" - East Texans and the U. S. Constitution in its Bicentennial year of 1987 - by: Brandi Anderson, Teri Alexander, Mid Johnson, Terri James, Laura Musick, Darin Baker, Angie Craft, Tarisa Harris, Stacy Templeton, and Lisa Jenkins.

Loblolly Staff

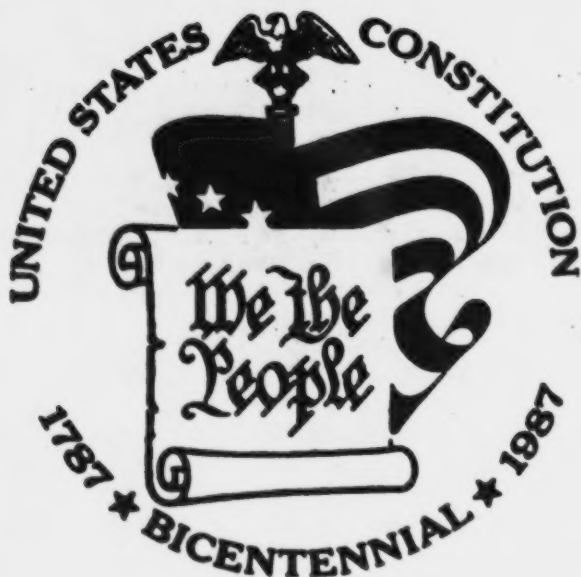
Brandi Anderson, Editor
Teri Alexander
Mid Johnson
Terri James
Laura Musick
Howard Teer
Darin Baker
Angie Craft
Tarisa Harris
Stacy Templeton
Terri Bridges
Lincoln King, Advisor

Michelle Mims
Tiffany Smith
Lisa Jenkins
Ronna Johnson
Lavon Porter
Shane Rains
Antoinette Rousey
Inez Downing
JoAnn Jones
Rhonda Musick
Lori Vaughn
Sabrina Wilkerson

We wish to thank the Panola County (Texas) Bar Association for their gift which has made publishing this issue on the Constitution possible.

We also want to thank Project '87 for the encouragement to do this special issue on the Constitution.

Loblolly Magazine is published by Loblolly, Inc., students at Gary High School, Box 189, Gary, Texas 75643. Circulation is by subscription and newsstand. Subscriptions are \$6.00 a year, single copies, \$3.00. Some back issues are available. Copyright 1987 by the Loblolly, Inc.



In 1976 Loblolly celebrated the Bicentennial of the United States with a special issue on the Economic History of Panola County. Eleven years later, we find ourselves with another Bicentennial, that of the United States Constitution. To educate ourselves, and to share current ideas and thoughts on the Constitution among East Texans, we have another special issue.

We wanted to talk with a variety of East Texas about the fact of the Constitution and what they thought it meant to, "We the People." We are pleased with the interviews which yielded a rich mixture of ideas on various factors of the Constitution and what they mean for the present and future for all of us. We discovered that is a people's document and not just the preserve of lawyers or other groups. We are proud of our role in celebrating the Bicentennial of the Constitution and appreciate the help of those we talked to whose words are found in this issue of Loblolly.



Loblolly staff members who did interviews on the Constitution: seated are, Terri James, Laura Musick, Darin Baker, Teri Alexander, Angie Craft, Tarisa Harris, Brandi Anderson; standing, Mid Johnson, Stacy Templeton, and Lisa Jinks.

William Wayne Justice - is the Chief Federal District Judge for East Texas. He was appointed a Federal Judge by President Lyndon Johnson in 1968. Judge Justice has been involved in a number of cases well known in Texas. He is presently a key figure in the reform of the Texas prison system.

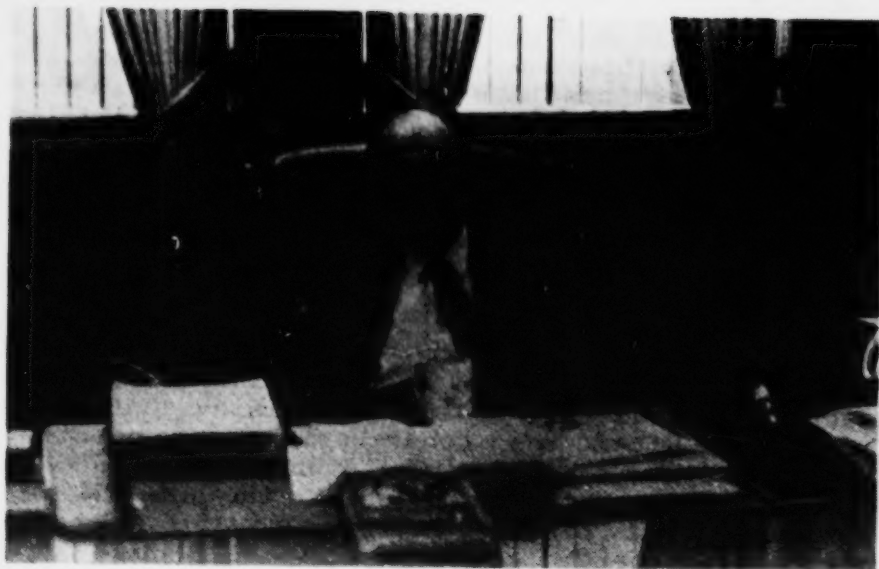
There are two things about the Judiciary in the Constitution that I would think of. The first is, you have tenure for good behavior, which hopefully is a lifetime, it doesn't always workout

that way. There have been very few Federal Judges in the history of the United States who have been impeached. Impeachment is the only way you can remove a Federal Judge from office. The House of Representatives votes a bill of impeachment, and the case is tried before the United States Senate. They think if they have that kind of tenure it gives them the opportunity to be independent in their judgements. A judge doesn't have to worry about not being reelected if he makes a decision that doesn't meet with popular approval.

There are advantages and disadvantages to this kind of tenure. A disadvantage might be if you get a judge in office who is arbitrary. At least in the initial instance you're going to have some bad decisions if he doesn't pay any attention to the evidence before him. And if he makes the wrong decisions about what the evidence discloses (in non-jury cases) or if he doesn't pay any attention to the law and simply ignores it and decides that he wants to announce a decision in accordance to his own wishes but not in accordance to the law, he can do it.

Of course there are all kinds of safe guards in the judicial system that are set up to take care of judges like that because we've had judges like that throughout the ages. Maybe you've read about Lord Jeffries for example, over in England. I don't know if you've ever run across him or not, but he was an extremely arbitrary judge. In those days they didn't have the safe guards that we have now with an appellate process. So he was able to execute a large number of people who probably should not have been executed.

Now if a judge makes an arbitrary decision on either the law or the facts, well the appellate courts can take care of it. If he's clearly wrong on the facts that's the test that's used. The appellate court simply set aside its findings. If he's wrong on the law, of course they tell him he's wrong in a written opinion.



William Wayne Justice

You don't have just one level of appellate courts. You have the Court of Appeals first. And then if you're dissatisfied with the decision there, then you still have the right to petition the Supreme Court to review your case.

The second problem has been argued through the ages, and this is something that has even risen lately, is whether or not judges are entitled to review the constitutionality of litigation.

There's nothing in the Constitution itself that says that judges are supposed to review the constitutionality of any kind of legislation.

In the Federalist Papers, you remember the three individuals who were responsible for writing them (James Madison, Alexander Hamilton, John Jay). The Federalist, number 78, was written by Hamilton. And he made it very plain that it was contemplated that the constitutionality of the legislation be reviewed by the courts. The courts have the right to declare an act unconstitutional and void.

But lately our Attorney General has reason to believe that this is not correct. He says the Supreme Court has the authority to decide a particular case before them, but that the decision they make in that case may not apply to all similar cases throughout the country. In my way of thinking this is highly erroneous, and this is not in keeping with the tradition of our country. Sometimes a problem still comes up. Every once in a while somebody will say, "Why can't Congress be the judge of the constitutionality of its own legislation?" There's nothing in the Constitution that says the judges or the Judiciary have that right. The Judiciary started exercising that power very soon after the Constitution was adopted. Usually people point to McCullough vs. Maryland as being the first case in which the review was instituted, but actually there were two or three cases before that.

The Judiciary is the least dangerous branch. The Judiciary has no power to levy taxes, and we certainly don't have the power to use the military or anything of that nature. So we really don't have any power except in the narrow field of passing on the constitutionality of the laws that are passed by Congress. We are the least dangerous branch. By the way, that is a phrase by Hamilton in the Federalist Papers.

I think that the Judiciary is needed because certainly the Executive and Legislative branches are always wanting to be in conflict and someone has to be there to mediate. There is a good example of this now. The Legislative Branch of government is obviously very disturbed by something they think was done by the Executive Branch. It will continue that way because it's in the nature. We'll have more crises in the future.

The Constitution is something that was new to the world. If you have been studying about the Constitutional Convention you will remember they wanted to guard against the mistakes that had been

made in the past. The thing about this was nearly all the colonist ancestors had been victims of the pressure of government. They were afraid of the powers of government. The Puritans came over, became what they were oppressed religiously. So did the Huguenots (French Protestants). The Baptists, under Roger Williams had left Massachusetts and run to Rhode Island to escape persecution. They didn't like the government.

The British government had been very oppressive with The Stamp Act. They were trying to bring American Colonists back under the British Crown with armed force. Americans were frightened of the government to dilute the powers of government by splitting it into three branches. In addition to that they passed the Bill of Rights very soon after the original Constitution was adopted. This put further limitations on the powers of government. They didn't want the government looking over their shoulders. They wanted personal freedom for the individuals to do what they wanted to do as long as it wasn't illegal. They also, they actually got down and studied all prior governments. They had a special committee appointed to see what was wrong with democracy and what were the problems of the monarchy and what were the problems with dictatorships. They were trying to correct all of that in writing the Constitution, and I think it was a highly successful experiment. It's the best thing in the way of government that the world has ever seen. It's the best document on government.

They debated about what is meant by "We the People". They discussed whether it should be "We the States." I'm trying to remember how the debate went. I do remember they decided it would be better to say, "We the People," rather than, "We the States. Otherwise it would have just been a confederation of states which is one of the things they wanted to get away from. They wanted to make sure it was a people's document and not one for the

states.

I think if you don't study the Constitution and don't know what your rights are, and don't exert them, then eventually they'll just wither away. I think everyone should know what their rights are so they can actively assert them when he gets in some sort of conflict with government. The Constitution was adopted to see that a citizen is not oppressed by his government. I wrote a speech not long ago where I advocated that the school should be teaching more about the Constitution just for that very reason. It was published in some kind of a teachers magazine lately.

I have handled cases involving education. One was in 1970 or 1971. The title of the case was U. S. vs. Texas. I placed some affirmative duties on the Board of Education to help in the integration process. For example, the Texas Education Agency (TEA) was to withhold funds from school districts which were not complying with the Constitution in certain areas. And that has had a great deal of effect. I suppose that the Plyler vs. Doe (relating to education of children, not "legally admitted to the U. S.") had the most significant effects on education. I'm not sure that the Supreme Court is going to continue to adhere to that decision. If there's a change in the membership of the Court, it could well be that they'll reverse themselves.

I had some cases which went to the Supreme Court in the voting rights field that I think have been significant. I was sitting on a three judge court. Back in the old days if the constitutionality of state legislation was an issue, it required a committee of three judges, two District Judges and a Circuit Judge to hear the case. We sat as a District Court. We received evidence and then ruled with an opinion.

The problem that we had in that case was what we call Multi-Member Districts. For example, in Dallas County, they were entitled by population to

fifteen representatives in the state legislature. But they all ran "at large." In other words, if you announced for the state legislature, everyone in Dallas County voted for you. And the job didn't pay really anything so a person couldn't run in all of Dallas County unless he was wealthy. So the result was they had this little machine that was able to get contributions from people who wanted favors down in the state legislature. They'd get together a big kitty and advertise their own slate for these jobs. The machine got to pick who the members of the legislature were going to be. And the same system was extant down in Bexar County (San Antonio). They were going through the same process.

So some of the minorities, and this is strange, were saying we ought to split this thing up into small districts so that a person with less money would be able to run in a particular district and represent the interest of that particular neighborhood. A geographical area would be able to be better represented. The Mexicans were pretty well diffused all over Dallas County and didn't have a chance to have a district, but the Blacks did. What really caught my eye were the Republicans in north Dallas. In those days they weren't a majority. They were just a minority. They said, "The Democrats win all the time. Give us a chance. We're just a minority." One of the lawyers for the Republicans was Thomas Gibbs Gee who now is on the Circuit Court. We ended up by decreeing, Judge Goldberg and myself were a majority on the court. Judge Woods dissented. We ended up by putting Dallas County into Single Member Districts and the same for Bexar County. It went up to the United States Supreme Court and was affirmed. It's known as White vs. Register. Diana Register, if I remember, was a student at North Texas State University. And White, Governor White, was Secretary of State at the time. I have had several other cases go to the Supreme Court, but

that's the one which got the most attention.

I have a case before me now, still, the prison case. It's been going on for a long time. But so far, none of the decisions I've made have gone to the Supreme Court, I'm glad to say.

The legislature, and I'm not criticizing it for this, it's just the nature of the political process. A politician is going to respond, or do the bidding, to those who elect him. If he comes from Tyler here, he's going to try to do something to help the oil industry. That's a big part of our economy around here. And he's very interested in education and things of that nature.

But the people in prison are a very, very uninfluential group. In numbers, they have no political constituency, they're off and isolated and can't even vote themselves in some instances. They are mainly poor people, and just don't have anybody to speak for them. And so consequently they and the ones in other institutions like the mentally ill or retarded have no one to speak for them except maybe their own parents. They're a very small group. And so the consequence is that the legislature, and I can understand why, doesn't do much for those kind of people. And their rights under the Constitution are neglected. And so very justly they come to the courts saying, "Tell the legislature they must do something for us. You cannot keep us confined under unconstitutional condition." And they got some very interesting law from the Supreme Court in that area.

My own experience has been such that I think you will get a more independent judge, someone who will give you his genuine thoughts as to what's right and wrong if he is appointed with tenure and with good behavior. Some people don't want the law enforced if a particular law is unpopular at the time. And if a judge is worried if he will be re-elected, he might give in to popular opinion, even though the popular opinion is wrong. I would do the same thing. I'm not trying to point a

finger at the state judges because some of them are very courageous and will do the right thing even if they are worried about being re-elected. But they shouldn't be placed under that kind of pressure.

There is the disadvantage of getting someone who is not able with lifetime tenure. But you have the ability under our appellate system to overturn anything he does that is wrong. I know of one judge in particular whose name I will not mention, a state judge, whom the lawyers tell me has never been able to get a case upheld on appeal. He's so bad. They're afraid to try a contested case before him because they know it's going to be reversed on appeal. I don't know of any Federal Judges who are that bad but we have some who aren't all that good. I'm sure there are some who would point at me as a horrible example. I've been upheld on most cases. But I make mistakes. I don't claim to be infallible. I'll guarantee you I make errors. They are errors of judgement, lack of perception, rather than any desire to violate the law.

I do study the law very carefully. I'm given two law clerks to help me research the law. And I try to get the very best. I have an extra clerk, now I have three. One of my law clerks is from Dallas and a graduate of Yale Law School. Another one is a graduate of Harvard and the other from Stanford. I would prefer a graduate of the University of Texas, but for the past few years I haven't been getting anyone from there. Their top students have been attracted to law firms like in Houston for beginning lawyer salaries of \$60,000 to 70,000 a year. They can't turn offers down like that even if they wanted to come with me. I can understand that would be awfully hard to turn down. I had one law clerk leave me not long ago after a year's service. He went up to a Wall Street firm. They had contracted with him for \$57,500. The day he arrived they raised his salary to \$60,000. I talked to him about three months later, long distance. I asked him if he was justifying that

\$60,000. He told me it was up to \$72,000. They had raised him \$12,000 because \$72,000 was what they were going to be paying beginning lawyers. There's a big competition for the top brains in the legal profession. You know the fact that they pay Federal District Judges a little over \$79,000. That was pretty sobering that a guy out of law school one year would be almost at my salary. And I've been in law practice since 1942.

Well, the Constitution is just as much a part of our system of government as it ever has been. In fact, I think some of the things that are being

done by the Executive and Legislative establishments are going to be the subject of severe Constitutional question. They are going to be in the courts. I don't see any let down or any lessening of the courts role in the future. If anything, it's going to increase. That's my opinion.

It's my perception that the Executive Branch is getting much stronger now. Some of it is a result of Constitutional adjudication. There's a great rejoicing in the newspapers on Constitutional protections are lessened. There was general consensus in the editorial that these decisions which placed fewer restrictions on activities of law enforcement officers in regard to searches and seizures. They stated this was a wonderful thing in helping the process of law enforcement. I suspect that the people who wrote the Constitution wouldn't be nearly as delighted because they had been the victims of General Warrants. This is where you didn't have to have probable cause to make a search or seizure. They put that in the Constitution because that's exactly what they wanted to avoid.

They speak about the rights of criminals. Well, the rights that the criminals are asserting are rights that you and I have. And everytime that they lessen those protections, they're lessening

the protections that you and I as individuals have. And it's a consequent increase in the power of the Executive. The law enforcement officers are members of the Executive establishment of government of the Executive establishment of government in both state and Federal. If you give them additional powers, you're increasing the power of the Executive. And I'm very concerned about it. The Supreme Court now seems to be giving more powers to the Executive establishment. The Executive establishment probably would not be applauded by the people who wrote the Constitution because they had been the victims of the same kind of searches that are now being upheld. Under the Constitution a search or a seizure (I mean a seizure of your person an arrest or a seizure of your property). In order to get a search he must have a search warrant or a warrant of arrest. And he's not entitled to those unless he shows to a neutral and detached magistrate like a justice of the peace, a U. S. Magistrate, that there's probable cause to believe that someone has committed a crime, or is committing one, or that the person has in his possession the instrumentally of a crime (weapon, pistol, or whatever) or other evidence that pertains to the crime, or that he has in his possession contraband like dope. He's got to show that there's probable cause before the warrant can be issued. That's so the police can't act on mere suspicion. They shouldn't be entitled to walk into your house and start searching because they think you might have some dope. There ought to be somebody out there to check into their activities to see if they're acting reasonably.

There are instances where a warrant is not required. If a police officer sees someone running from the scene with a pistol in his hand and someone else in from of the place yelling, "He just robbed me!" Well he can run him down without a warrant. He doesn't have time to do it. That's an

emergency type situation. That's what the Supreme Court calls "exigent circumstances." These emergency situations, they have a right to act. But even then they have to act with probable cause. We review whether or not they had probable cause after the fact, after the arrest and the search has already been conducted.

Any evidence that was obtained as the result of an illegal search or seizure could not be used as evidence in a trial on the case. That's because of what's called the "exclusionary rule." Now the Supreme Court has much lessened the "exclusionary rule." Most of the time the evidence can be obtained, and even if illegally seized, the evidence can be used against the person. Time is going to show that's a very unwise decision. It will take a generation or so of litigation before the empirical evidence will show that the decision has to be changed. There's a tremendous institutional lag in the law. That's why I said a generation or so for you are talking about 25 or 50 years. About the time you are my age the law will be changing.

The best thing about this country is that we have been free, been able to do what we wanted to do as long as it wasn't illegal. Just because a person had power while he was in office didn't mean he could act arbitrarily. That's because there was always someone to hold him in check. But if you loosen these protections, and I'm speaking specifically about law enforcement officers as well as other government officers, we're going to end up with a much less free society, if arbitrary power isn't checked.

You ask if seat belt laws are legal. We are getting into the area of the Fourteenth Amendment as to whether the government has the power to pass a regulation like that. And generally speaking you can say that the government has that kind of power as long as they are not discriminating against a

particular group, somebody that in the past has been the object of some oppression. I'm speaking about minorities. If the law has aimed at the minority, it is going to be examined very carefully to ensure it's not a discriminatory law. But otherwise if you can show a rational basis for the law, it's going to be upheld. The rational basis for it is it saves lives and prevents people from being seriously injured.

I don't know if the Fourteenth Amendment is the most significant one. You understand when the Constitution was first adopted, the Bill of Rights applied only to the Federal Government, to actions of Federal officers and agents. But when the Fourteenth Amendment was adopted the Supreme Court has held that it was directed toward the states. It provided that the states couldn't violate due process of law or equal protection of the laws. No state could do that and they've held that the Fourteenth Amendment, due process, incorporates the first eight amendments to the Constitution. That is the Bill of Rights. And so it's had an enormous effect. Actually the greater part of our work these days has to do with the Thirteenth and Fourteenth Amendments. That is, the Constitutional provisions directed at the states, and state agencies such as school districts, and prison systems.

I think the Bicentennial of the Constitution should be celebrated by teaching it on a historical basis as the best way. That's to show why the Constitutional provisions are like they are. For the example on the Fourth Amendment about General Warrants, which allowed any officer of the king to search anyone's house. He could do that on his own whim, or arrest any person on the street just because he had some vague suspicion about him and put him in jail. That's the reason the Fourth Amendment was adopted. And that's the reason for requiring probable cause. You can understand better why we have these Constitutional provisions

if you have a little history to go with it.

You have this provision in the Constitution which is causing such a furor now involving church and state. There's this case now up in Tennessee. The reason they have this so called barrier between church and state is because the original founders of the country had been religiously persecuted by a government and they didn't want any government to interfere with their free exercise of religion. And that's in the Constitution. And they also didn't want the state trying to impose some other religion on them or adopting an official religion because most of the people who came to this country were dissenters from the established church. So they wanted to make certain that the government did not establish a religion by any means like giving money to Baylor University to the Catholic Church so they could build up their own institutions. They were really well aware too for when they wrote the Constitution in 1787 that the 30 Years War had only taken place in the previous century. That's where they had fought a long war over religion in Europe. The founding fathers realized that if you put government and religion together that you have an explosive mixture. All you have to do to see the wisdom of that is to look at the government of Iran now. They have a religious leader who is running the government.

I think if you teach the Constitution in historical terms for these and other reasons, you have settled on the best approach. It will make an understanding of the Constitution more meaningful to those studying it.

Price Daniel - Governor Price Daniel is known to have served in more high elected offices than anyone in Texas history. The list includes Speaker of the Texas House of Representatives, attorney general, United States senator, governor and member of the Texas Supreme Court.



Stacy Templeton and Price Daniel

Why should students study the Constitution?

"Well of course everybody ought to know something about the Constitution of the United States. But students should especially, I think, because this year of all years is our 200th Anniversary on September 17th. This year the

Constitution will be 200 years old. At least it was written and signed by those who subscribed to the Constitution that long ago. So it is especially important this year in our government to study the Constitution. Of course, it's important to study it anytime because it's the supreme law of the land. And anyone who wants to know anything about our basic law under which we live, should study the Constitution and know what it provides. I don't mean everybody needs to be lawyers, but it's just an interesting document for anyone to know about and the earlier you start, the better.

I'm really surprised that you would be and your class would be, studying the Constitution this early. I didn't have it that early when I was in school, but I think it's wonderful that you are doing it. That's because it will probably stick with you more than those who just really study it later on in life."

How do people make the Constitution work today?

"Well that covers a lot of territory. First you make it work by obeying it. People know generally a lot of provisions in the Constitution. They can make it work by voluntarily obeying what the Constitution says. It says certain things you know, that we shall do and shall not do, or that the government shall do and shall not do. And so by those in public office obeying it and those who elect people to public office obeying it, they make it work. Then another way is by enforcement. I don't think we could ever enforce all the rights of the Constitution that people have and that government has, if we didn't have plenty of voluntary obeying of what the Constitution says. But there does have to be some enforcement through law suits. I guess that's the way we make the Constitution work, and by studying it too. But then you have to come back to how the Constitution is going to work. Well, I'd say those two ways are

the best. To obey it voluntarily and then where people fail to obey it, enforce it through law suits. That's the way it has worked in the past."

What role do judges and lawyers play in the Constitution?

"Judges and lawyers have to interpret the Constitution when a close question comes up. For instance, the question came up as to whether the laws that we used to have in nearly all the states about separate schools for white and black students. Were they Constitutional? And I'm not bringing up a question that it has been pretty much settled now. But it used to be that nearly every state in the Union had separate schools. Not just Southern states. It wasn't just a race matter that was down in the southern states. Boston, Massachusetts had the first decision that separate schools were Constitutional for the two races. Well, the question came up to determine whether or not it was right to have separate schools. And finally the Supreme Court of the United States decided after holding the other way and saying the separate schools were alright for many years. The courts and lawyers had to do with that you know. Then the Supreme Court held that separate schools were not Constitutional and that it was a violation of the Constitutional rights of the students who brought the law suit. Well, the lawyers, they played the part of bringing the issue before the Supreme Court of the United States and the judges, they played a part in interpreting the Constitution and saying what it held in so far as to what this issue is concerned. So that's one instance in which the lawyers and judges had something to do in interpreting the Constitution. It goes on all the time.

The Supreme Courts docket is full of cases where lawyers have, in representing clients, alleged that somebody has violated their

Constitutional right. And it's up to the Court to then look at the Constitution and decide whether or not it was violated. So lawyers and judges, since that's in their realm, play not only a big part but they play the only part in having the Constitution interpreted. Lots of times, in the past, it was thought Congress should have the right to interpret the Constitution and whatever Congress did was alright. But early, the Supreme Court decided it had the right to make the final determination, even if different from what Congress may say about Constitutional rights. Congress has the right to pass the law but, if it involves a Constitutional question, there the Supreme Court can overrule it. The lawyers bring those cases to court before the judges and then the judges make the decision. They have all there is to do with deciding whether something is Constitutional."

What do you think the relationship between the State and Federal Constitution is? And how does it affect "We the People"?

"Well, the United States Constitution is supreme; it's the supreme law of the land. State Constitutions have to not violate the United States Constitution. We started out with independent sovereignties, the states that adopted the Constitution through their delegates 200 years ago. They were representing the people in what was called independent sovereignties. They had their own local constitution and the states still have their constitution. But since the Union was formed and the Constitution of the United States was adopted, all the state constitutions must be in conformity or at least they should not violate the United States Constitution. It's very seldom that a Constitutional provision of the state is held unconstitutional by the United States Supreme Court, but it can do that. If the state constitution said it was all right to take property

without "Just Compensation" from you because maybe the state needed it for some purpose. The United States Constitution prohibits taking property without "Just Compensation" and if someone challenged that in the Supreme Court of the United States, then the Supreme Court could overrule that provision of the state constitution.

So that's about the only way in which they are related. It's strange, to say that the United States Constitution is just a fraction to the length of our own constitution in Texas. Ours here in Texas is so long, and has been amended so many times, that it's really too long, too cumbersome. I wish that we could have a new constitution for Texas, that would be more up to date. It should deal in the fundamental law. That's what a constitution is supposed to deal in, the big points. Then you have the Legislative Branch that passes the laws on. You shouldn't make laws in the Constitution if you don't have to. And that's the trouble with Texas, and in many of the other states. Too many things have been written in the Constitution that ought to be left flexible where the Legislative Branch could pass or change it. In the United States Constitution that's one of the great things about it. It is flexible. It's short compared to most state constitutions. It is a living document, many times that has been said. In other words, maybe things that were written back 200 years ago, wouldn't be unconstitutional. But the way things have evolved in the past 200 years, they become so. The very act, such as separate

schools, they started off that way, years ago. They have now been held to be unconstitutional.

It's a living document. In other words, it can fit the changing times. State constitutions are often limited, and are not able to change. If you have a state constitutional provision that says you shall not have a Corporate Income Tax, for instance, a lot of people advocate that. Well, it

might be ten years from now before the people of Texas would have to have a Corporate Income Tax. So you shouldn't tie the hands of future Legislatures by having a Constitutional provision that would keep them from changing the law."

What do you think the meaning of "We the People" is?

"I think those are the three most important words in the Constitution because it shows that our government is formed by and comes from the people. The delegates elected 200 years ago to write the Constitution were representatives of the people. And it was the people who were telling their delegates, "You write this Constitution for us!" It wasn't the government telling the people what they were going to have. And you know in some nations people have the divine right to claim to be king, and to tell the people what the rights they would have, from above. In any event, it's usually in other countries, a government telling the people what their rights are.

So I think, "We the People" signifies that the people are telling the government what their rights are. The strange thing about the Constitution of the United States is that it grants some rights to the Federal government, some specific rights and some general rights to the Federal government. That includes control over navigation over interstate commerce, over national defense of the country, over international affairs. Those things are given to the Federal government. Everything else is retained that is not given to the Federal government or denied to the states. Everything else is retained to the states or to the people. That's the 10th Amendment to the Constitution that says that. That's one of the original Amendments that was understood to be adopted as part of the Constitution when it was written. And it was adopted. It's one that you don't hear too much

about anymore because the Supreme Court does not pay a lot of attention to the 10th Amendment to the Constitution. I don't know why. Maybe it's ~~because the old states rights arguments have been~~ worn out too much. But you can't get away from the fact. I think that what you're talking about with "We the People" illustrates the fact that the powers in the Constitution are not delegated to the Federal Government nor prohibited by it to the states or reserved to the states or to the people. It says, "or to the people."

So I would say that it is at the heart of the whole Constitution of the United States. We have certain rights to the Federal government and by the states or the people. But then all other rights are retained to the people and they are protected in those rights.

The rest of the Constitution is really a protection of the rights of the people. You have all the rights of the people. You have all kinds of protection in there such as: freedom of speech, freedom of press, freedom of religion, freedom of the right to assemble, protection of your property being taken away from you. All through the Constitution of the United States are all these things protecting the people. And so I think that "We the People" is a very significant phrase in the Constitution of the United States. It lets any reader of that document know that its the people who are supreme. They even have the right to change it. Under Article Five, there's a provision set up that if the people want to do it, there's a procedure set up where they can take a vote and change the Constitution and that's been done several times."

When have the people recently added Amendments?

"I have to go back a long way first. The first ten and the most important ten amendments were conceived at the time the Constitution was

written. They were actually adopted by the states after the Constitution was written. But they're the most important ten. Then there have been amendments adopted about various things. For instance, one of the early ones was to change the way elect United State Senators. It used to be the Legislature of each state selected the two United State Senators from that state. That's what was in the original Constitution of the United States written 200 years ago. But in the last 100 years an amendment has been adopted that provides that people should have a direct vote within the state. And people in each state elect two United State Senators.

Then one other more recent amendment was on the women's suffrage. Your mother wouldn't have the right to vote under that first Constitution. In this day of women's rights, it's hard to believe that we had a Constitution written back there 200 years ago, that did not allow women to vote, or Indians to vote. The way it had been interpreted, Blacks couldn't vote. But the Constitutional Amendment was changed to where women were given the right to vote. Then some other recent changes would be like, one Constitutional Amendment pending up there right now which I hope they will adopt. That's to put the Federal government on a balanced budget like the state of Texas is. This is so Congress can not appropriate more money than is expected from the tax laws. That is so the government will not spend more money than our income. In Texas that's called the "pay as you go" method. I was in the Texas Legislature when that was adopted. The member right behind me offered that amendment to the Texas Constitution. And I voted for it. And that was submitted to the people who adopted it. That was back in the 1930's. That provided that the Legislature couldn't appropriate more money than the income would be from what taxes within held on the books. Well, so you see they don't have that in the Federal government. So they

go into this tremendous debt that we have. If they had that amendment to the Federal Constitution, then it would be impossible for us to build this tremendous debt, or we would have to continue this tremendous debt. But it would keep us from going into further in debt in the future. Congressman Jake Pickle told me that he had signed that amendment a few months ago. He said over fifty members of Congress have signed it. I introduced that, by the way, when I was a member of the United States Senate. We didn't get enough support to pass it. But it's something I hope will be passed because we need to have that "pay as you go" amendment to the Federal Constitution. We'll keep from passing on to our grandchildren the debts that we accumulate."

If Congress had passed the "pay as you go" amendment in the 1930's, do you think it would have made a difference for us in the 1980's?

"Well sure. You see, all you have to do is look at our state here and see the difference. We passed the amendment and so therefore we have not gone into debt. Used to, Texas went into big debt, nothing compared to the Federal government, but it was a large amount of money, millions of dollars. Now if they had passed this amendment in the 1930's, well we would just not have rolled up the kind of debt we have today. That's because most of our Federal debt has been rolled up since the 1930's."

What do you think about the situation of no school prayer?

"Well, you mean the decision by the Supreme Court that was unconstitutional. Well, a lot of people believe it went a lot further than it had to. And some people are offering a new amendment, a large number of people and the President came out

for it again in his State of the Union Address. That is an amendment to the Constitution that would allow prayer, not written by a government, but a prayer to be said in the public schools. And of course, being a very religious person, I am for that and think it's right. But I'm not going to argue about the Supreme Courts decision on it. I only want to say that we do believe in the separation of church and state in this country. But that provision was really intended to say that no longer should there be a government supported church.

Back 200 years ago, people writing this document had been acquainted with a church that was supported by the government in England. They didn't want anymore churches supported by the government or the government telling churches what to do or have any control over it. And that's what I think the Constitution meant when the Constitution 200 years ago said that there should not be any more established religion. There's no question that is what they meant. They wanted no denial for people to worship as they pleased. They were against what they had seen in an established religion. That's where the government had something to do with it. Now I believe absolutely that the government shouldn't have anything to do with telling our churches what to believe, teach, where they should be located, or anything like that.

The Supreme Court has broadened their interpretation of this old Constitutional provision when they said there shouldn't be prayer in public schools. That's probably against the Constitution. I think that voluntary should allowed and I would be for that amendment. But regardless of who's right or wrong about that, it's good that our Constitution did provide for a separation of church and state. If we did not have religious men writing the Constitution of the United States and if we hadn't asked for God's help, in my opinion,

we would have never had this Constitution written 200 years ago.

At the Constitutional Convention, they weren't opening their session with prayer. Benjamin Franklin, after they were about to give up, because of the difficulties encountered said, "I think we have forgotten to call on God, and that we would do far better if we called on somebody a lot higher than we are, for help." Anybody who can read that history and not realize that maybe that did help is just pretty insensitive, to the divine power. Anyway after that these men, 200 years ago, were able to come out with the Constitution.

The men who signed the Constitution were very religious men even though they didn't want an established church. Although religious, they still wanted separation of church and state. But they also wrote many religious principles in to the Constitution of the United States. Our Declaration of Independence has more reference to God and religious principles. But these men when writing the Constitution of the United States were writing some religious principles in there. This is seen in the protection of the rights of people, even by church. They were writing some provisions in there that they learned through their different religions. If they had not been those kind of people, I doubt we would even have this kind of Constitution.

I believe that the idea of having a volunteer prayer in school is proper like anywhere else. It should be permitted. Now, in view of what the Supreme Court has written on the subject, they say its unconstitutional and they have the final word. So therefore, if anything else is to be done there has to be a Constitutional Amendment changing that. And it should say that it is proper for there to be voluntary prayer in public schools. The amendment is broader than than that, but that's basically what it means. And that amendment would have to be passed by two-thirds of Congress and submitted to

the people and approved by three-fourths of the state legislatures."

What do you think about that people trying to remove religion from our lives like "In God We Trust", on our coins?

"Well I'm glad they didn't go along with that. They have also tried to stop the legislative session from opening with prayer. I hope the Supreme Court will never go that far in interpreting the Constitution. Even the court itself opens its sessions with a small prayer. The clerk says "O'ya, O'ya, the Supreme Court is now in session. May God bless and protect this honorable court." God's blessings are implored, by the clerk of the Supreme Court every day that court meets. Even sessions of the Congress open with prayer.

As you have said we have "In God We Trust" on our currency. And we now have in our Oath of Allegiance, "Under God." I happened to be in the United States Senate when those words were added, and there was no opposition to that whatsoever in recognizing God. Anybody who says that our country does not recognize God is just absolutely wrong, that's because its all the way through. And I do not know why anybody would argue against the religious influence. Also evidences of it are still here like the Pledge of Allegiance, and the motto on our coins. So I think there's no doubt in the world that religion had a lot to do with our Constitution.

On this matter of religion and prayer in schools, I think it is interesting to note an event that happened just a few months before the Constitution of the United States was signed by the writers in 1787. The Congress, made up of some of the same people, had written a provision for government for the territory West of the Ohio River, for the Northwest territory. They provided in article three as follows: "Religion, morality,

and knowledge being necessary to do government and the happiness of man kind. Schools and the means of education shall forever be encouraged."

Now that indicates to me that they were trying for religion and morality to our schools. These were many of the same men that wrote the Constitution. That had no idea they were to be writing in the Constitution anything that would be different from that. But that's a moot question now, because the Supreme Court has made it's decision. Now the question is whether it shall be amended."

Mr. Daniels, what was the Tidelands fight about?

"Well, the Tidelands fight of the 1950's came about by the Federal government claiming about four million acres of land off of our Gulf coasts, which were within the boundaries of Texas. For over a 100 years the Federal government agreed that these properties belonged to Texas. But in the 1950's the Department of the Interior started claiming these lands. They belonged to our Texas public school fund. As Attorney General of Texas, I fought the Federal government's claim. That's what the Tidelands were all about. They were important not only because they involved our seashore and our swimming beaches, and things like that and our piers and our fishing; but because there was oil discovered in a lot of the Tidelands area. So there was quite a bit of income coming into the state and quite a bit to come in the future. So that's what the fight was all about. The Federal government claimed these lands that belonged to the public school fund of Texas."

Did this controversy involve a Constitutional question?

"In a way it did, but we didn't have to rely on that as much as we did when the agreement was

made with the United States, which was when Texas entered into the Union. The Constitutional question would be this: Has the Federal government got the right to take these lands away from us without compensation? In other words, these lands were part of Texas when it was an independent nation and when it came into the United States in 1845. The agreement was that we would retain all of our unsold lands. The four million acres of land out in the Gulf was part of it. See, our boundaries go out not where the land stops, but out in the Gulf, three leagues from shore. So therefore, since we didn't give this property to the Federal government, it was retained by Texas. Every other state had held on to their tidelands by 52 Supreme Court decisions.

The effect was that all states owned the lands beneath the waters within their boundaries. But the United States Supreme Court changed its mind and overruled those decisions in a California case. They held that the Federal government had the power and the right on navigation and commerce and defense over these lands. They said that they belonged to the Federal government because of the Federal government's power over these submerged lands. That was a very dangerous theory, and that California decision was criticized as much as any decision that ever was written by the Supreme Court of the United States, up into the time of the Texas decision. The next decision was against Texas. They said we lost our lands, our tidelands when we came into the Union. That's because it had already held that all other states had lost theirs and given up their rights to these lands. They had connected it all with some national rights of defense commerce, and navigation.

Well we argued that that doesn't give the government the right to take away your property. They've got all these defense powers and they could take the land but they would have to pay for it. So we made that argument and that was a

Constitutional argument. But there was a main argument that we made, and we didn't win it. We lost it by one vote in the Supreme Court. It was that the annexation agreement specifically held back to Texas all unsold lands. The Supreme Court decided against us by one vote majority. It was a minority of the Supreme Court that decided. I think it was 4-3, seven judges participated, two were disqualified. The Supreme Court decided against Texas.

I then ran for the United States Senate. My main campaign was to try to get back these lands through Congress. The Court did recognize that this was not a Constitutional question as to Congress having the right to convey these lands back to the states. So fortunately that Constitutional question was resolved. The Court said that Congress, if it wanted to, could convey these lands back to us. So therefore, I introduced a bill in Congress, signed by a majority of the members of the Senate, by which these were returned to all the states. It wasn't just Texas, but the submerged lands within the boundaries of all the states would be returned or quick claimed back to the states. That bill passed.

You might remember that President Truman vetoed two of those bills. Two of these bills had been passed by Congress giving these lands to the states and then vetoed by President Truman. But President Eisenhower, when he ran, he said that he would sign the bill and be for the states. So that's why Texas went for Eisenhower in the 1952 election. He carried Texas, and the Texas Democratic Party at the convention in Amarillo passed a resolution asking all Democrats to vote Eisenhower even though he was a Republican. With President Eisenhower, we did pass the bill. That was the first bill passed by the Congress of 1953. President Eisenhower signed the bill restoring all these lands to Texas. That gave back to Texas this four million acres of land. It meant a lot to our

public schools because the land had been dedicated to our public schools."

What kind of benefits have our schools been getting from this land?

"Well the last time I had a figure on it, three billion dollars has been received from leases and royalties on these lands that were involved in this fight between Texas and the Federal government. I would like to say one other thing about this Tidelands fight. If I ever did anything in public office that will last and be good for our state, it was the winning of the Tidelands fight. The benefits from it have been this huge amount of money. Of course one of the great benefits is that the principles involved were upheld. In other words, the Federal government shouldn't have gone against Texas in the Tidelands fight. Having had an agreement by which we were to keep our unsold lands, they should have never tried to violate the agreement. The Federal government was just in the wrong by doing it. It was the biggest fight that has ever been between the state and the Federal government involving a Constitutional question or an agreement. It was also the biggest fight involving lands. So far production from that land has run into billions of dollars and that money is used for our public school systems.

It is one of the few times that the states won against the Federal Government. Later we had another fight over whether or not our boundaries went out three miles or three leagues, and that was in the Supreme Court. The Attorney General of the United States brought suit against Texas when I was governor to cut us back to three miles. Well our boundaries were set down when we first became a state in 1836, when we won our independence from Mexico. The boundaries were set by the government, three leagues from shore. Well, the Federal Government was again trying to cut us

back to three miles, and take about two thirds of that away from Texas. The United States Attorney General filed suit when I was governor to cut us back to three miles, and that suit we won in the Supreme Court.

I argued that case along with Attorney General Will Wilson in the Supreme Court. That time the Supreme Court decided for Texas. I would say that is probably one of the few times that a state has won an argument against the Federal Government in the Supreme Court. Usually the Supreme Court decides for the Federal Government, Texas won that case."

How is that written out to where it could be misinterpreted? Wouldn't it just say Texas is entitled to leagues?

"Well, the problem was with Justice Douglas is in writing his opinion. He figured that even though Texas had three leagues when it was a Republic, when it came into the United States, because the other states claimed only three miles that therefore we were cut back to three miles. Well, as you say, that is a farfetched interpretation, but he was overruled. To you it is a simple thing, to anybody else it was a simple thing. For a hundred years everybody recognized that those lands belonged to Texas, three leagues out. Somebody in the Federal Government, Harold Ickes, even he recognized Texas owned those lands, but he changed his mind and he got President Truman all excited about the matter, and he went after these lands. They won the California case against California. They figured they could win against Texas. That's what he did, and it was on a very simple interpretation.

Is it true you you have served in more political offices than anyone else in Texas history?

"Well in elective offices I think that might be true, at least that what people have written."

Which office did you enjoy the most?

"I started off as a member of the House in the Texas Legislature, and the as Speaker of the House. I believe I enjoyed that one more than any of the others. The others were for a longer period of time.

Who influenced you most to get into politics?

"Just reading Texas history, and in reading Texas history I read about what a lot of people did. I had an ambition to get into politics from that. My father tried to encourage me to go into the legislature. Outside of my father's influence I guess it would be from reading Texas History.

Mr. Daniels what kinds of offices have you held in your political career.

"Well, without being immodest, I tell you that I started off in the Texas Legislature, then Speaker of the House, then Attorney General after serving in the army. I went in the army as a private and came out a Captain. After serving in the army for six years I then ran for the United States Senate in 1952. I served in the Senate four years, and while there, I decided to run for governor. I served for six years as Governor, and then I was on the Texas Supreme Court for eight years. In between the governor and the Supreme Court I served as assistant to President Johnson in Washington, for Federal-State relations. Those offices, serving in both the Federal and state government, was a fine experience. And that's why the writers say that I have held more elective offices than anyone else. I really enjoyed being

Governor and Attorney General because of the winning of the Tidelands fight for the people of Texas.



Crawford Parker - is the Judge of the Court at Law for Panola County in Carthage. He is a long time lawyer, and active in the Democratic Party. Judge Parker has been most helpful to the Loblolly staff in helping to arrange some of the interviews.

The United States Constitution as you know was adopted by the United States in about 1787, in Philadelphia. It replaced the Articles of Confederation which was more loosely written. Now the Constitution was written as a basic law of the land. Many states gave notice at the Constitutional Convention that they would ratify, but only if there was a Bill of Rights. This would protect the individual citizens of those states from the Federal government, and from their

own government because the Federal Constitution became a model for state constitutions, that were adopted by the states.

The first part of the Constitution sets up the three branches of government, and then goes into other basic rules. Then the Bill of Rights protect the people. The amendments then were 16, but are now 26. They speak to specific things except the 14th amendment which has been expanded to include due process. And it's the most quoted amendment we have. The 14th amendment has to do with the civil rights. But the other amendments, since the Bill of Rights are all important.

Now the Constitution is constantly being interpreted by the Supreme Court. You have strict constructionists and non-strict constructionists. You can call them liberals or conservatives, and I don't like that. I like to call them progressives and conservatives. I really like to call them progressives and reactionaries. The latter want to interpret the Constitution in light of 1787, rather than in light of modern times, with the changes we've had in transportation, technology, and scientific technology.

I am a lawyer and a judge who believes that the Constitution should be interpreted in light of modern times, rather than in light of the conditions in 1787. Therefore, I would have voted against the ratification of the present Chief Justice of the United States. I would have voted for Judge Scalia. So that puts me in some people's eyes as a liberal. I call it progressive and intelligent constructionism toward the Constitution. So I think it should be interpreted in light of present day conditions, rather than the ancient day conditions when it was ratified by the people.

The meaning of "We the People" in the United States of America, under our Constitution, means everyone from the most humble to the most rich, to the most weak to the most powerful. Sort of

comparing it to the English Magna Carta, that was a document between the King and the Aristocracy in England. The serfs and the average people that did all the work were completely left out. I believe that the English do not have a written constitution, they have an oral constitution. The Judiciary interprets their laws.

"We the People" means all the people, in all the states. A lot of the people like to say that we have a republic, and we do. They like this type of republic, and that's fine. We are really lucky to live where we live. I've traveled all over the world and we are just so lucky. When you go somewhere else you learn that you really appreciate it. "We the People" means everyone, not just the upper class.

The reading of the Constitution shows how it protects people. The very language the courts interpret is the language the courts propose in their interpretation of the Constitution. But if it's in a civil case there's a difference in laws. In law we have civil cases and criminal cases. In our country we have Federal criminal laws of the Federal government. And we also have state laws. The bad part about it is that 50 states all have 50 different sets of laws. So there is no uniformity, like the Uniform Child Support Act. Since the 50 states have 50 sets of laws, you might be able to carry a pistol in one state and not be able to carry one in another state. If you carried a pistol across a state line you would be violating the law in one state and not in the other. We need more uniformity. The Constitution protects the people because the courts uphold criminal laws and interpret and enforce them.

Civil laws (party vs. party), whether it is corporation partnership or individuals, involves cases of one against one another. The courts enforce those by money judgments primarily, or by contempt of court, where they can fine you, or put you in jail for not doing what the court orders

you to do.

The people make the Constitution work by keeping a democracy and electing public officials that take an oath to support and defend the Constitution of the United States of America. And the people also make it work by serving on juries, pronouncing sentences in criminal cases, and by pronouncing judgment in civil cases.

The roles of the judges and lawyers is to bring the cases to court representing their clients. And the judges then preside over the lawsuit, whether it be non-jury where the judge decides, or with a jury trial where juries of one's peers or equals decide. I don't mean equally good looking, or equally fat. So when I say equal, I mean equal as free persons, as far as the law is concerned. Then the judges preside and the lawyers present and the judges or the people decide in a citizen jury.

Other countries copy our constitution because it guarantees freedom for the citizens. An example is the Philippines. They have the American system copied down 100 percent. They have the same type laws as we do. And they have the same constitution because it guarantees the freedom of their country. Our system isn't perfect, but it's the best system in the world in my opinion. It's copied because it does protect the freedom that we have.

The Constitution is a symbol of free people because it's the basic law of the land. We have constitutional provisions contained in the Constitution. And we have statutory enactments that are passed in the Legislature. The enactment is signed into law by the governor. The legislative enactment on the Federal level would be by the House of Representatives and the Senate. State level would be the House of Representatives and the Senate of Texas. One state has a unicameral legislature. But the enactments are made either by the House of Representatives or the

Senate, or by the unicameral situation, then signed into law. So we have constitutional provisions and statutory enactments, then the cities have municipal ordinances. So there are all kinds of laws.

Students should study the Constitution to be aware of the type of government we have and the different branches of government. They should know how those branches work and how they interpret laws and how laws are passed. They should understand the rights people have with reference to law enforcement on municipal, county, state and federal levels. An uninformed citizen is a citizen that can be manipulated, and that is the reason they should study the Constitution.

It is my opinion that the most important part of the Constitution of the United States is the Bill of Rights. The 26 amendments, the original 10 plus the 16 that has been added, protect the people from the government, and protects the people's freedom. The freedom of the citizen is the most important part of the American citizenry. An example is in the criminal law. This lady came into court. She had been in court about six weeks earlier, charged and convicted of bootlegging. I asked her why she was there. She said that she was charged with bootlegging again. She said that she was stopped. I asked her if they had a warrant. She said, "No sir." So I asked her if she had violated some law. She said, "No sir." So I looked into it and found out that there had been an informant to the police department at 2:00. They waited for her until 4:30. They didn't get a warrant for her arrest, they didn't get anything that authorized them to stop her. In America you have to show cause for such actions. The Constitutional laws states that you are to be safe in your house or in your property, to keep people from unlawful search and seizure. So the police didn't have any authority at all to stop

the lady and search her automobile.

This isn't Russia, this isn't communist China, this isn't Albania or Cuba. This is America. The officers are supposed to leave you alone, unless they follow the law. If they had a search warrant, fine. But you say they might not have had time. Well if you don't have time the law provides that the officer can stop her and call in and say, "I have detained this car, I need a search warrant." He can hold the car until the search warrant is obtained and executed properly. If you chip away at the American freedoms one at a time, if you let the officers violate the law while enforcing the law, then the means justify the ends. And we chip away at our freedoms. Everybody is supposed to follow it. And I'm a firm believer that it's better to let ten guilty persons go free than let one innocent person be convicted and confined, especially if that person is you or your family or those you know and love.

That's why I believe in an interpretation of the Constitution in light of the times that we live in today, not back in the times of 1787. So whatever that makes me, that's what it makes me. I also believe in the legislation we've had, along with the Constitution that creates a stronger government. The social legislation created the Pure Food and Drug Act to protect the citizens. It secured an exchange legislation that created the utility commissions on the Federal and state level that regulated the "Robber Barons" that hood winked the people with worthless securities and investments.

I think this type of legislation, along with minimum wage legislation, social security legislation, medicare legislation, and environmental legislation to protect the water and soil and rivers and harbors, it's all progressive legislation. That makes the lot of the average citizen better. It's a better quality of life. It contributes to the fabric and fiber of America and it's good. And there are those who call it

socialism. I think they are full of rubbish, or they are selfish and have no compassion for their fellow man, and have no intelligent thought of keeping the world a safer place for all humanity to reside in.



Mid Johnson - is a senior at Gary High School and is a fine student and athlete. He is headed for a career in medicine.

Just as any other Constitution in the world, our American Constitution provides our nation with the basic set of rules in which our nation will have to comply with. Our Constitution lays down rules and regulations concerning both the government and the individuals. After all, the Constitution is the framework and final say in all legal decisions that have ever been made or will ever be made. Certainly, this is the main job our

Constitution performs.

Because of the flexibility of our Constitution through interpretation, it works very effectively in modern legal decision making. Unlike many other constitutions, it deals only with the basic situations. There is a great deal left uncovered by the original constitution itself, consequently, leaving a broad array of Judicial interpretation. Hopefully, this type of system or arrangement can deal with all types of legal cases. No doubt, it has done this effectively for 200 years.

When a person picks up a copy of the American Constitution, they immediately feel flattered. They feel this way simply because of the opening statement contained in the Constitution. When they see the words, "We the People", they are often covered with tiny bumps of pride. This opening statement gives Americans the type of freedom and importance which everyone deserves. When those words ring through the heads of the people, they are suddenly someone of importance.

However, as they read farther and farther into the original constitution, they sometimes began to feel neglected. This is the way I felt, for the most part at least.

I'm not putting our Constitution down. Yet, I do feel that perhaps sometimes the individuals who wrote our Constitution such as Alexander Hamilton, and James Madison, were playing with our minds and emotions. They used this opening statement to stimulate a wonderful mood, then went on and in a few places, forgot the people and thought about the preservation of their own power. But still, I can't blame them. I would probably do the same thing. After all, they did work very hard. Therefore, the statement "We the People" as far as the original constitution goes, is to some degree only an "eye catcher."

Apparently, some individuals believed exactly the way I do because it wasn't long after the Constitution was written that the Bill of Rights

was put into effect. These Bills gave the average American certain rights not contained in the original Constitution itself. Certainly, with the addition of these bills, the American people finally had security.

The Bill of Rights deals with more particular circumstances. It spells out in more detail, the rights of the American people. I believe this is what people are interested in. They want to see, with their own eyes, the freedoms which they can enjoy. Without a doubt, the Bill of Rights was a necessary addition to the Constitution.

I believe our Constitution works so well because of the confidence the people have built in it over the years. People have faith in its contents and many believe it is infallible. These devoted people are the backbone of the Constitution and are the ones who make it work each and every day.

Judges and lawyers are very important factors in the way the Constitution is interpreted. They in many cases, have a lot of influence on the way the Constitution is applied. Because of its flexibility (which I have already mentioned) they are able to do this.

They are only given the fundamentals of law and have ability to do what they feel is necessary and correct to carry out cases. They are blessed a great deal, since there are so many things that can be gathered from our Constitution. Truly, being a lawyer or judicial interpreter in the United States is a fascinating profession.

We, as Americans, should be very proud. For the reason that our Constitution is the oldest and most successful in the world and is copied throughout the world. Many of the less fortunate nations have copied our constitution hoping it will grant them the same status that has been in the United States. Nevertheless, they haven't been very successful. They haven't succeeded in

securing the freedom and standard of living we enjoy in the United States.

Probably, the main factor behind their failure is the resources and the knowledge the average person has in these nations. Sadly, there is no way to achieve a high standard of living if there are no opportunities available.

All around the world, people know what America is about. Whether they agree with American's policies or not, they know about America's freedom. Many seem to be afraid of such a word. Apparently, they haven't experienced it or they would think twice before they condemn our beautiful nation.

On the other hand, I'm sure some look and pray that someday they can enjoy what we do today. We should be thankful for the immense and gallant step our forefathers took to, in effect, grant us our current lifestyles.

The Constitution of the United States is often neglected by the people of our nation. We take it for granted. Therefore, I feel it is very important that students study the Constitution and learn to appreciate it.

Students should be aware of their constitutional rights, so that they can take care of themselves in certain instances. After all, this is a document we will have live by for the rest of our lives. If we don't learn about our Constitution, we will loose respect for it and it will finally wither away. But, if we apply ourselves to the study of our Constitution, we as students will not only gain knowledge, but will become patriotic citizens.

Keith Scott - is the Instructor of Government at Panola Junior College in Carthage. His outspoken views on government and political figures have made his classes memorable ones.



Keith Scott

Well, obviously, I think the Constitution is our basic foundation stone on which our government is founded. Therefore I think it should be followed very stringently and of course, my opinion falls in here saying that it is being abrogated on a regular basis by Congress, by the President and by everybody in connection with our Federal government. It makes me irritable. I would prefer a stricter interpretation of the Constitution than what we're doing to it now. I really don't believe the Supreme Court of the United States has the ultimate decision to say, "This is what the Constitution really means." I think that should rest with Congress, rather than the Supreme Court. In other words, the Supreme Court is making laws

instead of Congress and I resent it because the Constitution does not give them that authority. The Supreme Court is supposed to interpret, not invent. They have become innovative. The Constitution says that the Supreme Court will have the power to interpret and technically they have assumed that power. So, consequently, the farther it goes, the more I resent it.

"We the People" is our collective will or the will of the majority of the people, but we're not doing this because the majority of the people don't participate in the decision making process. They all sit back and watch and hope for the best. Then we actually have the will of the minority, determining who and what our government is doing and for whom it is doing it for.

The Constitution has all the rights, abilities, privileges and freedoms that the first ten amendments guarantee to us. If it's properly construed by the courts and by the people who actually capable of implementing for themselves rather than having the courts to do it. If it's done properly, it gives us perimeters in which we can operate in on a day to day basis.

At a local level, judges are a very important part of the judicial process. And ordinarily, if everyone is doing their job the way it's supposed to be done, it functions basically the way it's supposed to. Truly, the courts do a marvelous job. We don't hear about the hundreds of cases that are settled the way they are supposed to be and the people are sent off to jail, waiting to be released early because they're too crowded or they didn't get fed right or something like that. Everybody does basically what he's supposed to do and the system works. When the system breaks down, it's because someone isn't doing what they're supposed to. Then each one points around in a circle saying, "I didn't do it, he did!" then we never know who to blame, so I blame everybody. I think

the Supreme Court judges are re-interpreting; based on what I don't call a legal precedence, but based on what they personally think the precedence should have been. This means they are making law instead of interpreting existing laws. That's where I think it gets out of line.

The Constitution really works and has the capability of doing all these things that we want it to do. And it has done it. It is the oldest, most established, and best working Constitution anywhere to be found. So everybody wants to copy it. What people don't understand is that it isn't the paper that makes it work; it's the people and the willingness to submit to it. If everybody would do that, everybody would be happy. The Soviet Union has a marvelous constitution, but the people don't know about it. But they have one of the best written constitutions of anyplace on Earth. That's why they can claim they are a Constitutional government. They lie! They can't be! They don't use it. The reason people copy ours is because it works and there are enough people who believe it works. And that is also why I think it's a symbol.

I think students should study the Constitution so that they know what the government is doing and possibly do something to remedy it. There are also things in the Constitution that allow us to protect ourselves, and it's good for students to know how to protect themselves should they ever need to.

James Speer - Member of Gary School Board and a Baptist minister. He is the manager of the Daniel Springs Baptist Encampment in Gary.

The role of the Constitution today is coming more into play, especially in the field of religion and education. You have the Supreme court making rulings on things such as compulsory Bible reading and prayer in public schools.



James Speer

I think it is wise for every citizen to be aware of what the constitution is and what freedoms they have afforded them by the constitution.

The freedom of religion gives you the right to believe and practice your personal faith or the right not to believe if you choose to. A freedom is not actually a freedom until you put it in to use.

I think the Constitution is all inclusive. It covers not only the people in the day in which it was written, but also the people of today and those who will inhabit the United States for as long as it exists.

As I said before, the freedoms we are guaranteed aren't actually freedoms until we put

them into use. And when we exercise our faith, that benefits us. It benefits every person in the United States who is willing to put their freedoms into use. Freedom of religion is not an absolute in that it does not take precedent over any other law of the land. It is subject to the laws of the land. In some older religions they have practiced human sacrifice which would be prohibited under the law. That's because it would bring injuries to some person or their belief. And also, the Mormons believed polygamy which is prohibited by our laws.

Not only for the historical value, but people should study the constitution to know what their freedoms are. They should know what is guaranteed them under the law, so that they will know when they are within the bounds of the Bill of Rights or the Constitution

I think it is a symbol. It's not just a symbol, but it is a symbol of everything we stand for, that we believe in. Also, I believe that it has the ability to help meet the needs of every group of people whether they be whites, blacks, orientals, Asians, whatever.

Judges and lawyers have the responsibility of interpreting the constitution and how it applies to us. I don't always agree on their interpretation, but these judges have been given this responsibility. A lot of people have trouble with the Supreme Court ruling on Bibles and prayer in school. I think it may be a misinterpretation of the constitution and the rights that are guaranteed is every American. But also, it's good if you would think for instance, if Bible reading were compulsory, then we would have to decide which Bibles are we going to use. We may have to use the Mormon Bible which would be the Book of Mormons, or we would have to use the Hindu Bible, or the Islamic Bible which is much different from the Bible we use.

Even though compulsory Bible reading and

prayer have been disallowed in the schools, the Supreme Court or any judge can't keep us from participating in prayer if we really want to.

There is nothing in the Constitution I would change. I like it the way it is. I think it guarantees some things that we probably, even today, would not have been as foresighted as our forefathers were in preparing the Constitution. I like all the provisions that it makes in the constitution. I don't know of a thing I would change.

Our Constitution, I think, has been looked upon by other people as being successful. I think that the freedoms guaranteed under the Constitution help guarantee that we will have no state or government sponsored by a church. Even as late as the 1800's some states had government or state sponsored churches. In the mid-1800's New Hampshire had a law that prohibited non-Protestant's from holding office. And Connecticut and Massachusetts had a state church. It was probably a Protestant church that was recognized as the state church. People were encouraged to participate in the religious services of that state.

Then one of the most extreme cases we have had in religious persecution occurred in the 1930's and 1940's when Nazi Germany slaughtered in excess of six million Jews. So the Constitution is great in that it provides freedoms for us so we don't have to suffer these kinds of problems and indignities today.

Benedict Songv - is presently the Rector of the Episcopal Church in Carthage, Texas. He is a former teacher in Louisiana with a Ph.D. Rev. Songv is a constitutional scholar and a co-chairman of the Panola County Committee for the Bicentennial of the Constitution.



Ben Songy

One of the things I always start with, is that people have to realize if it weren't for the Constitution, the Declaration of Independence wouldn't mean anything. People get all excited about the Declaration of Independence, about winning our freedom, but without a Constitution the Declaration wouldn't have been worth the paper it was written on. We had to establish a law, a government system. Today, the Constitution that was established 200 years ago is exactly the same, with a few exceptions of amendments. It's the law we're governed by. People get lost at the fact that there is a city law, state law, and all other laws they have to obey. But everything comes back to the Constitution.

The Constitution is what we're organized on, it is the basis of our government. We couldn't live as Americans without the Constitution. We could have a Declaration of Independence until the end of time, but without a Constitution we could never really live as free Americans.

When you think of "We The People" as a point of your history, "We The People" is supposed to mean "We the Representatives of all the people that existed at that time." Therefore, a lot of

people bring up the question, "We're different from the people who lived 200 years ago." I don't think that is necessarily true. The fact is that the Constitution was established by a democratic system, the representatives were elected by the people. That is why they considered themselves as "We the People." In this perspective it is as much our Constitution, as it was the Constitution of the people 200 years ago.

The way I think the people make the Constitution work is primarily obeying the laws, rather than trying to get around the laws. We have an unfortunate situation today, whereby people are paying a lot of attention to seeing how much they can get around the laws. Law has become a skill. It's one of the real tragedies today. So many lawyers are skilled in seeing how you can get around the law. It's far more important that we as Americans learn the Constitution. We should be learning what kind of power it has and the freedom it gives us rather than trying to get around it.

High School students especially need to learn the Constitution because they need to understand how our government is structured. That is the main thing anyone can get out of the Constitution is how it is the basis of our government. The division of powers, the Executive branch, Legislature and Judicial branches are very important to learn and understand.

They all have limitations on their power. None of them have power by themselves that cannot be checked by another branch. That's very important in our government and I think every American should realize that. But for high school students, the separation of powers among our government is the most important thing they should ever understand.

The Constitution is only important because people don't know it. You could challenge any hundred Americans to tell you if they have ever

read the Constitution since they were in high school. Ninety percent would say no. There's really no reason, it's a very short document. If every American would stop and read it, they would be surprised by what it says. So for most Americans, now is a perfect opportunity to go back and read it.

People expect that the people up in Washington are keeping track of it so we don't have to. The lawyers are keeping track too, so we don't have to, and people are thinking the Supreme Court will tell us whether something is Constitutional or not. So why should we keep track of that either? It's a shame that people are giving up something that's very important.

Judges and lawyers play an important role in the Constitution. The Supreme Court has developed the power to interpret the Constitution, and that is not a clearly given power in the Constitution. But it is something that developed and now is accepted. People look to the Supreme Court to say if it is Constitutional or not. It's a really shaky power when you take a look at it. In general, judges have to interpret the law. They have to interpret the actions of someone and say whether this person has broken the law or if the person has been given their due rights. A judge presides over a trial by jury, not because he has to decide whether this person is guilty or innocent, it's simply because he wants to make sure everything that goes on in that courtroom is done according to the Constitution. That's why you see in movies or on television, the judge is always interrupting or the lawyers are interrupting and saying, "I object!" and the judge says either "sustained" or, "overruled," or something to that effect.

The law is in the hands of the judge primarily, lawyers secondarily. I think, in general, a great conversion needs to take place in terms of truly understanding the law. There's a

lot of lack of confidence in lawyers today. That's because there's so much emphasis on suing people and seeing whether you can get around the law. Therefore, I would encourage lawyers especially to go back to the Constitution.

It would also help if they looked at it from a historical point of view. For example, take the first amendment. It states there will be no establishment of a church. That does not mean Atheists can come in and say that we can never mention God. In Congress or in anything that is a political function or anything like that, the First Amendment simply meant there was not going to be any official religion for the United States Government. God is all the way thru the Declaration of Independence. If you look at the Constitution carefully, there are references there also. So if you could look back and put it in perspective of history, I think people would understand it better. The fact of the matter is we were founded on Christian principles, especially the Declaration of Independence. You can just find all kinds of references of God, showing our dependence has been there all along. From the time that Congress first met there has always been a chaplain. There has always been a man there who could vote without letting them forget the meaning. So how could you explain that God has no place left in the Constitution.

I wish our Constitution was copied more than it is. On the other hand I think it would be wrong for us to force people to accept the type of government we have. If they don't believe it is going to work there, well that's their problem. But it is true. I think an outstanding example of this right now is the Philippines. President Aquino really wants to establish a democratic form of government and she wants very much to be known as a democratic leader. She looks at the United States as a model.

Our Constitution compared to Russia's protects our people. The problem in Russia is

that they really don't have a constitution. They have a party agreement. Everything is run by the party. The people can't ever complain and say, well look, the Constitution says this. They have nothing to fall back on. If they're unhappy or unsatisfied, they can't ever say, "you're not doing this right." The leaders can come back and say this is the way the communist system works. If the people of Russia can't handle it, then they can never have justice like we do.

You can look at some of the truly peaceful countries, the small ones like New Zealand. New Zealand has a beautiful form of governance. It's modeled on the British form of government. But as the Constitution has built up over the years, it has one document, but it's democracy. The most peaceful countries in the world and the countries where people would most want to live are countries that are modeled pretty much on our Constitution of government.

There is no doubt that our Constitution protects our people. The rights are clearly spelled out. That is why, when the Constitution was first put up for adoption, they came up with the Bill of Rights. They said, "wait a minute, there's a few basic things that are not mentioned in the Constitution. What about freedom of religion?" They were very careful to establish the basic rights of man. That's why the amendments were made. It was not clear that certain person's life was covered, like the abolition of slavery, and then the establishment of citizenship for a Black and the right to vote for women and eighteen years old. It definitely protects the citizens.

As long as it can be interpreted, more than likely it will not be abused. One of the things history has shown us in the vast two hundred years is that even Supreme Court Justices can make mistakes. The most outstanding one in history was the Chief Justice Roger B . Taney and Dred Scott

Case. Taney said very definitely that slaves were property which of course goes contrary to the laws of nature. Of course it was reversed ultimately But it is possible for it to be abused.

Basically the President and government are representing it right. If they weren't we would have a revolution on our hands. But we have a democratic system, people can select who they want to represent them. That's a good thing about the two party system. Washington never did like the two party system. The development of it is not provided for us in the Constitution, but it doesn't make any difference. There is nothing in the Constitution against it. The two party system is an opportunity for people who have different views, and people can choose whoever they want. Two people can have the same views and serve the same Constitution. But it could not be more democratic than what the Constitution is supposed to be.

The separation of power and the checks and balances is a key. It is possible, for example, as what Congress has done recently on the question of sanctions in South Africa. The Congress can pass this, if the President doesn't like it, he can veto it. But Congress can come back and vote over his veto. They have checks and balances. The president has done what he thought needed to be done. Of course it takes a large majority to override the veto, but they did it. And of course they have checks on the Supreme Court. Congress has to approve every justice appointed by the President. And you saw the last one that was appointed, Rehnquist, the new Chief Justice. Congress took days arguing about little things that happened years ago, just to make sure they got the right man. So that's the way Congress can check the Supreme Court. The court can check on Congress by deciding on whether or not the law is constitutional. It is a beautiful system of government.

We have the best form of government because it hasn't been changed. Basically it has not been changed. Yes, we have 26 amendments, but that's not a whole lot of changes in 200 years. When you stop to think about it, we have operated with this same Constitution for 200 years. I must say, it's a pretty good form or basis of government. And that's worth celebrating.



Lloyd Grissom - is the Publisher of the Panola County Newspapers and a resident of Gary. He shared a deep concern for First Amendment rights and freedom of the press.

The role of the Constitution is basically the same as it has always been. It has had some restrictions over the years like the way the press approaches freedom of press and freedom of speech. Since the first Constitution was written other things have come into it, such as: liability, freedom of speech, etc. There's a stopping point when it starts taking away other persons freedoms. Liability is one of the big things, over the few years, that has changed; although I feel a person should be responsible for what he or she says. And that doesn't give you the license to spread false information about anyone.

Freedom of speech is a treasure, as Abraham Lincoln said. He was given the choice to have a government without a free press or a free press without a government. He chose the latter. That's how important freedom of speech was to him. I feel like freedom of press and freedom of speech are parallel. They are very important facts and they are an expression of our total freedom to act.

I feel like the meaning of "We the People" makes our government strong. The people can criticize the actions of the government without fear of a rebuttal and/or without fear of some dictatorships over the world. In other countries they have extreme penalties for those who criticize their government. It gives the people a good feeling that they won't have to worry about a slip of the tongue. Someone may criticize the government without knowing the full facts; therefore, once they know the facts they'll change their mind. In foreign countries, by the time you change your mind you have already endured a great amount of punishment. It's one of the most precious freedoms that Americans enjoy today; freedom of speech and freedom of press and we ought to exercise it more than we do.

People should also send letters to the editors of newspapers, magazines, etc. If you don't like something, you need to let your feelings be known.

You have a right to speak out but some people are reluctant to do that. I don't know why they do it reluctantly because they have the protection of the Constitution for their rights. There are very few people who do exercise freedom of speech. In America you have the right to criticize the government or the people who are responsible in making the laws. It's a real precious freedom that not many people take advantage of. I don't think people really think about it and they take it for granted. People are very reluctant because they don't understand the full qualifications of freedom of speech.

The Constitution is a law whereby the government is responsible for insuring your rights. You've got the Civil Liberties Union and a few people like that to help. Just because the Constitution is there doesn't mean you always exercise it or take full advantage of it.

On a person basis, the government of the United States guarantees the protection of your rights. The Constitution guaranteed all men their rights since it was first written. There's a question in my mind about who really enforces the laws. You have to go through a procedure to make sure that you are not abused by freedom of speech and freedom of religion.

You make the government work by knowing your rights under the Constitution and exercising those rights. I've seen some people so fearful to express their opinion on a local issue, that by no means, will they think about writing a letter to the editor or even signing their name on a petition. That's because they're fearful of repercussions and they're not sure they can say this or not. To make the Constitution work we need to exercise our freedoms more liberally than we do.

Basically, freedom of speech and freedom of press are the same. The only difference is it's a lot easier to document what a person says. If you have a recording of someone who says something out

in the open, it would be my word against yours, unless, there's other people there. The freedom of the paper is one reason why newspapers are organizations that do printing. It's one area in which they are tested in what measure of how accurate they are. The newspaper publishers can't literally say something about someone unless it's true. Freedom of press, along with freedom of the paper, is total freedom of information. If we don't exercise freedom of press on a constant basis, we will lose it also.

The responsibility of the press is to report to the people of each government meeting, of what they are talking about. Also, it's our duty to make sure they're not concealing information that they are getting. It's also our responsibility to let the people know what's going on in our world today.

The Constitution is copied by other countries because it works. We've got over two-hundred years of proof that it works. It shows that the U. S. is a really stable country. I feel like people would be much happier with our form of government because there are no restrictions, "the skies the limit." If other countries do not know the rights of the Constitution, it would be good for them to learn. The Constitution is a symbol for our country because it is the longest agreement ever made and kept in progress.

I think students should learn and get involved with the Constitution in school. Students should use it in school politics. It's very important for students to know the Constitution because most parents don't teach it at home.

I feel like we have a free way of life. You can go about your business in a freer way than you ever could imagine if you know the Constitution. The Constitution more or less, sets guidelines for the students. It should be in most places and schools where students can express their opinions freely.



Teri James and Robert Hollenshead

Bob Hollenshead - is a member of the Gary School Board and a self-employed rancher. He has had a wide career in law enforcement at the federal, state and local levels.

My background in law enforcement is deep. I have spent fourteen and a half years at the federal law enforcement level. I was a Regional Supervisor over five states for the Federal Narcotics Bureau. I was a section chief and directed activities relating to international and interstate drug

enforcement at the local level which would be at the county and city level.

The role of the Constitution today is the same as it was when it was enacted. However, I believe that some of the decisions that we have had in the past in our judicial system, have at times gone too far to the right or too far to the left, with interpretations of the Constitution and the rights of individuals.

"We the People", to me, means the majority or the democracy in the country. The Constitution protects one's rights, house, and personal things. I think at the time the Constitution was written and enacted, that its expressed purpose was to protect the people of this country from those who would infringe on their rights. These rights are what they want to as far as freedom of speech, the right to bear arms, the right to pray. I think that this was the purpose of the Constitution, to protect the rights of the people.

The Constitution can only work if it is adhered to by those for whom it was enacted. Our Judicial system is basically what protects the people for their rights under the Constitution. The Judicial system is very important in that aspect, seeing or making sure that people's rights are protected under the Constitution. The majority or democracy that we have in our country, along with the Judicial system makes it work.

When you take an oath as a Federal officer, you swear to uphold the laws of the United States under the Constitution. This means that you take on responsibility of enforcing the law within the bounds of the Constitution, to protect the rights of the people. Also you are to apprehend those who might violate those rights and thereby violate the law.

The Constitution is probably copied because regardless of how people may talk about our Judicial system, or the democracy in this country, it works. I think our system is the best in the

Constitution. By being American, the Constitution is a symbol of that freedom.

I think it is very important for students to study the Constitution, to go back to see what we should be thankful for in this country. Also, I think it gives them an idea of what the forefathers were interested in when this country fought for independence and won. Also, it let's them understand what was so important to them in a time of getting the freedom for this country. It's still important. We need to maintain the same things if this country is to continue.

world. It's a model for other countries. It's going to have its mistakes, but when you're dealing with as many people as we're dealing with in America, it's hard.

The Constitution is a symbol because it represents America. It represented what rights the Godfathers had when they enacted and wrote the



Mrs. Joe Latham - is a graduate of Gary High School and is now retired from teaching at Gary. She is the wife of Joe Latham, also a retired teacher and Mayor of Gary.

The Constitution is just as important as it used to be. It's the supreme law of the land, even though judges and lawyers try to make it into what they want. The first purpose of government is to protect the people. If judges and lawyers would abide by the Constitution, it'd be fine. But sometimes they don't.

"We the People" now a days has become the minority instead of the majority because so few of the population vote.

The reason the Constitution is so copied is because other countries admire our effort and it's withstood the test of time.

Students should study the Constitution so that they know the past, they are witnessing the present, and they'll be the citizens of the future.

Bill Haley - is our State Representative in Austin and a resident of Center. He is a former school teacher who has taken a leadership role in education in the Texas State Legislature.



As you know the Constitution plays a tremendous part in our country's government. The Constitution gives us our rights and also a basic set of laws to abide by. Our government is based on our Constitution, so in order for our government to operate properly, we have to do accordingly to what the Constitution says out for us.

I don't think the authors of the Constitution thought about the future of the United States or that the Constitution they had written would still be in existence and use two hundred years from the time it was written. But as years have come to pass, we have always accepted "We the People" as being referred to the people of yesterdays, today's and tomorrows, not as just one of those.

The people make the Constitution work by using it. For example, it is used in a courtroom everyday. Lawyers are trying to prove their client innocent by trying to find something unconstitutional about their arresting procedures and so forth. We make it work by abiding the laws it has laid out for us.

Students should study the Constitution so that they will have a better understanding of how our government operates and its powers. Without a clear understanding of our Constitution a person would be considered "in the dark" as far as knowing his or her rights. If a person learned nothing else from the Constitution. I would hope they learned or understood the Bill of Rights.

The Constitution protects from any inhumane act, such as slavery. An amendment was passed which ruled out slavery. That protected mainly the Blacks. But it did protect the people.

I really don't look on the Constitution as a symbol. My reason for that is because it is more of a cornerstone of our government, rather than a symbol. Our government is based on this Constitution. It is like a main ingredient in a recipe. If you don't have the ingredient, then what good is the recipe. Our government is based

on the Constitution and in no way do I think it is a symbol only.

If I could change the Constitution I would change how many times a president can be elected. If he is good enough and well liked, he should remain in office for as long as he is reelected.



Jim Box - is a retired writer and school teacher now living in Gary. He is still active as a rancher. We found him to be the leading advocate for Constitutional change among those interviewed.

The role of the Constitution may be construed as the one thing that is a unifying fact such as: the flag, the name of our country, the President. These things are unifying. The role as in any Constitution is to provide an overall outline giving powers to government. A Constitution also places an outside boundary on how far the governments power can extend. This is something that was a relatively new thing. The Constitution came into being because prior to that time we had absolute monarchy who had no limitations on their absolute power. Their power went as far as life or death over their subjects by the flick of a finger. This brought about situations through history where it was used to too great of an extent and brought about a bloody revolution.

Some of the philosophers of the 18th century felt that they need to put on paper the limitations on government power such those that were put into the Magna Carta, which was probably the original Constitution limiting the power of monarchs. We lived in a fear of absolute monarchs. So in the first Articles of Confederation, we tried to limit the power of government. Then in the Constitutional Convention they gave more detail about the power a government should have. Then later put other limitations into the Constitution to protect the rights of people because some felt that the original aimed at the protection of property.

The Declaration of Independence, by Thomas Jefferson was a beautiful statement to the rest of the world about the rights of individuals which in the original Constitution weren't put into consideration. The original Constitution put into consideration the protection of property to strengthen the central government. This was probably a reaction to the radical thinking going on during this time that was prompted by the bloody revolution.

So the role of the Constitution today has been

that original role of strengthening the central government, the protection of property, and the absolute necessary growth put into it by the amendment process and judicial interpretation. Some were for protection of individual rights, or the protection of the individual as well as property. The first ten amendments had to be because the Constitution itself made no provisions for freedom of press or freedom of religion. The arbitrary decisions of the King of England were the impression left to mind the original Constitution.

The "We the People" part of the Constitution which is part of the preamble came from really the more liberal group of Philadelphia at that time. This came through the idea of people having power over Monarchs or governments. This was probably brought on by the American Revolution. The Magna Carta was brought about by the same means. It put control over the central government and was brought forth by the lesser nobles. This part of the Constitution was originally put in to help the people but since most at the Convention were wealthy land owners, they made sure it didn't get too far. The people at the Constitutional Convention were very, very suspicious of the average man.

The Constitution protects the people by providing a strong central government which protects against foreign invasion. The Articles of Confederation did not have this, in fact, it had no protection whatsoever.

After the signing of the Constitution in Philadelphia some of the demands of the people from states were added by the Bill of Rights. This was the first addition to the Constitution. These first ten amendments put certain restraints on government power.

The people didn't actually make the Constitution work. The pressures from others opinions over the last 200 years have affected the reactions of politicians. An early Chief Justice

of the Supreme Court, John Marshall, was a man who was very proud of himself, and determined, as the Chief Justice to secure as much power for himself as he could in this new government. Therefore, through his decisions, he made the court an even stronger part of government. Marshall was determined that the Judicial Branch was not going to play the third role. So he made decisions in Court which strengthened the Court. He made sure that the Judicial Branch was interpreted the way he wanted. As a matter of fact, for the first years the Constitution said what John Marshall said it said. These decisions provided precedence for later Supreme Court.

Amendments began to be passed. One of the most important ones is the 14th Amendment as far as the rights of people are concerned. The 14th Amendment has a very loose interpretation which can fit any public situation. This amendment is an example of the typical part of our Constitution changing with the times.

There are many technical, single objective amendments which are trying to find a way into our present Constitution. These amendments, I believe, provide a disservice to our Constitution. They only cover one little certain area. They aren't broad enough.

Judges have been very important in making it work. Some however, the more conservative ones have held the lid on the tea kettle until there has almost been an explosion. Change is inevitable. When you try to freeze government you will have an explosion, just as you would if you plugged up to openings to a tea kettle. For example, government has to adopt to change such as technology.

The Constitution really hasn't worked all that well for us. The fact is that we had 13 states and now we have one. The United States is a state. We are not 50 states. We are a state with 50 subdivisions. But, with the Articles of Confederation each state considered itself as

virtually independent, and just joined together for a common defense.

They all had different interests, different axes to grind, and didn't want anybody else telling them what to do. We continued this idea clearly through the Civil War. And today our interests are different from others. We have no common interest with New Englanders or Californians or people in Florida. The Constitution, being enforced, plus all the elements together form a solid National defense.

It has been a symbol primarily because of its impression on other countries. Most of the other countries who have tried to pattern after our Constitution have found it necessary to make some different changes. Most have some up with a system that more closely resembles the British Parliamentary system than our Constitution. The British system is a unicameral system where the Lords have had more and more power stripped away. No longer can they veto the will of the people.

Our Senate is not a democratic representation. The state of Wyoming has two senators and so does the state of California, New York, and Texas. So, a citizen from Wyoming is much more of a fraction of a senator than you or I. His voice is multiplied or magnified simply because Wyoming and others are less populated geographically. So we aren't democratic in the Senate. The House is elected by population. Yet it takes only one of the two part of Congress to stop the advancement of a piece of legislation.

So, to stop progress all one has to do is occupy a majority in the Senate or House or for the most part occupy the executive office of President. So things will then remain the same and the ones on bottom will stay on the bottom. Basically this is the removal of opportunity. No one on top wants any change. Therefore they will stay on top. Our system tries to freeze our progress. The longer you hold back change the more destructive the

explosion will be. This is exemplified in the French Revolution.

We need to study the Constitution to know basically what the structure is. We need to know exactly what the Constitution provides and how it affects us. We need to study it objectively because there is so much propaganda there. I'm primarily saying that our Constitution is many, many things given false credit. You probably expect me to say it is the greatest thing in the world, but it is not. It is not a fairy tale. It is not handed down sacred not to be changed. We get carried away with the idea that if it's in the Constitution, it's right. There were some very remarkable men who made up the Constitution such as Franklin and Randolph and Madison, but these people weren't perfect.

Robert Pike - is a lifetime resident of Panola County and is now retired after owning Quality Printing for many years. He has a deep and abiding concern for all people and continues a strong role in civil rights activities.



The role of the Constitution, as I figure it to be, is a document that guarantees the rights of an individual. The meaning of "We the People" to me means the citizenry, individually, and collectively that chose to live under the Constitution of the United States. The Constitution is the Bible, so to speak, for our Judiciary System, particularly on the Federal level. We've got two levels of government in this country, one's the Federal and the other is the state level. With the high court being the Supreme Court of the United States, it can protect people and their rights under the Constitution.

People can make the Constitution work by obeying the law and learning more about the Constitution and your rights under it. It's pathetic how little people do know about the Constitution. It's probably the most important document that has ever entered our lives in the United States.

The role of judges and lawyers is they apply the law that is set down by the Constitution for the Federal and state government and the courts. They make sure cases that are brought to them are ruled Constitutional. They also make sure people aren't getting their rights taken from them.

The Constitution is copied by other countries because it so happens that the Constitution is the finest and oldest written document of this time. I think students should learn the Constitution and the history (heritage) of it. If you don't know the Constitution and what it means to you, then we are prone to think that the majority will be protected and not the minority. This is not what the Constitution is about. The Constitution is about the likes of each and every single individual of this country being protected. Students do need to know the Constitution and their rights under it.

Wanda Gaines - is an administrator at Panola Junior College in charge of financial aid programs. She has been a friend and model for those whose lives she has touched.

Basically, I think "We the People" means everyone that lives in America. It takes everyone into consideration. We all have our rights. Once again it comes into equal rights. And if we don't include all the people, then we're not governing ourselves according to the Constitution.

We make the Constitution work by abiding by the laws. Basically, I'm religious and I think that if anyone obeys the Ten Commandments then they automatically fall into the Constitution. And if we were not inward and did not think of ourselves, we would never misuse or trespass on someone else. Also, according to what I see on television and everything like that, America is great, when you compare it to other countries. I do think on a whole we make it work. We have to work at it, but we make it work.

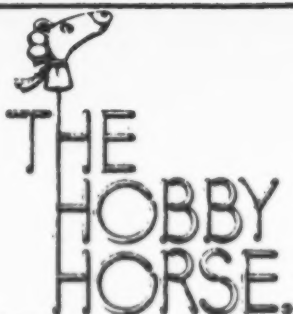
The role of the Constitution basically today carries on the law that was made years ago. The Constitution is what we govern by, it sets out rules and regulations. The politicians, judges, and the lawyers respect others by what was set forth when the Constitution was written. We, the individual, also respect this.

The Constitution is a symbol because it's good. The eagle stands for strength and power. Well, we the Americans in the United States on a whole have a lot to be proud of. And for those reasons, we stand high and there is a certain amount of pride. And we're proud of our country. And it's great!

I think it is copied because for what it stands for. And on a whole we make it work. When you have something good, people tend to copy it. And they see the effects of it, the true meaning of it for which it was written. And they would like to have the same results, the same feeling that we have.

Right now, my opinion of the judicial system as a whole is not the best. We see that so much politics has gotten into it. And I think they break more laws than they uphold. Once again we get back into selfish games. But I think they would be the ones to enforce the Constitution, but you see very little of it. I don't think they misinterpret it, they just don't enforce it. I think it's still greed. They violate it because they are in a position to violate it. It doesn't make it right, but you see more and more of it today than ever.

Basically, I think students should know what our founders intended for us to be. If we look at the way things are today, we might not get a true picture of the way things should be. If we study the Constitution then we could see on what basis our country was founded and the laws and how we're governed. And once again, it's like the Ten Commandments, It's in the Old Testament, but we still do not wipe it out even though we are living now in the New Testament. But when God created it, he gave us those Ten Commandments, and basically, no matter what else we get, if we live by that then we'll be okay. And that's the same way with the Constitution. If no other rules or laws are made, and students today know that law, then they should have a basis which they should go out in the world. Then they will know their rights. Very few people really know that, and I think it should be studied.



119 W. Sabine

Ph. 683-9327

Your Complete One Stop Service

- * Tires & Tubes * Exxon Gas
- * Batteries * Oil and Grease

Jack Wills Exxon

EXXON 119 South Shelby
693-6322
Carthage, Texas

Lovell E. Kelley

Real Estate

Kelley Building
415 W. Panola

Carthage, Texas
(214) 693-6646

WESTERN AUTO

HOME OWNED BY
DAVE & CYNTHIA CREEL

201 E. PANOLA
CARTHAGE, TEXAS

693-6161

SMITH'S

HARDWARE

685 - 2410

GARY, TEXAS

*Loans On Anything of Value -
Guns - Diamonds - Tools - TV's
Cameras - Stereos*

Bob's Pawn & Gun Shop, Inc.

209 NACOGDOCHES STREET
CENTER, TEXAS 75935

409/598-9014

BOB BARTON

Owner

DAVID PATE

**Carthage
Coffee Shop**

123 W. Panola
Carthage, TX
693-5711

*Home Cooking At
It's Best!!*

Daddy Sam's

111 Maple
Carthage, TX
693-7400

*Custom Cooking
Catering*

**ZACK
PATRICK**

Custom Photography
427 Holly
Carthage, TX 75633
214-693-7140

CARTHAGE DRUG
PRESCRIPTION SPECIALISTS

THE ***Texall*** STORE

PHONE 693-3891

CARTHAGE, TEXAS

**Dennis Smith
Insurance**

Life, Health,
Disability, Group
417 W. Panola
Carthage, Tx 75633
214-693-3282

KYLE ANIMAL CLINIC

Compliments of

*Dr. J. Wayne Kyle
Dr. George R. Taylor
Dr. David G. Norman*

Carthage, Texas

MFG. OF TUNGSTEN ALLOYS



REG. TM

TIMPSON TAMCO, INC.

408 DAVID LEA LANE

P. O. BOX 280

TIMPSON, TEXAS 75975

713-254-2797



24 HOUR SERVICE



**Timpson Wrecker
& Automotive Repair**

Hwy. 84 & 59

DAY: 409-254-2797

NITE: 254-3776

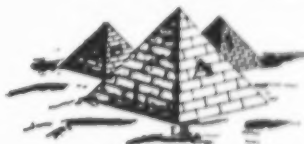
NITE: 254-2837

P.O. BOX 280

TIMPSON, TEXAS 75975

CHUCK ALEXANDER

PYRAMID A.I.



Oilfield Equipment & Supplies Co.

P.O. Box 31

Vivian, La. 71082

318-375-5348

**DANIEL SPRINGS
ENCAMPMENT**

JAMES SPEER
MANAGER

GARY,
TEXAS

FIRST FEDERAL SAVINGS

of Longview, Texas

Alvin E. Davis

President & Chief Executive Officer
Gary Graduate, 1948

Now with five locations in Longview, one in White Oak



Downtown Longview

South St. at Fredonia

Member FSLIC
758-6144

DR. DENNIS D. GOLDEN
OPTOMETRIST

106 Cottage Road
Carthage, Texas 75633

Telephone: (214)883-7748

**COMPLIMENTS
FROM
CLIFF & SANDY
TEMPLETON**

QUICK STOP

Timpson, Texas

713-254-2423

GROCERIES & GAS

H. L. 'Herb' Hudson



Auto • Life • Fire • Boat • Commercial
611 W. Panola Carthage, Texas 75633
Phone 693-3757

BUY — SELL — TRADE

ROB'S COUNTRY MOTORS
CLEAN PRE-OWNED CARS

**338 SO. SHELBY
CARTHAGE, TX**

**ROB & REBECCA
ROSENTHAL OWNERS
1-214-883-2498**

FARMERS STATE BANK

*Good
for You*SM

AND OUR TOWN TOO!

MEMBER FDIC

The 'Full Service' Bank

CENTER, TEXAS

(409) 598-3311

J. C. DAVIS

Grocery, Market, Gas

Fishing Tackle

214-685-2236

**GARY,
TEXAS**

BILL DAVIS
SHEET METAL

COMMERCIAL
&
RESIDENTIAL

Gary, Texas

685-2585

ROBERT DAVIS
AUTO REPAIR

COMPLETE BODY & FENDER
— SERVICE —

WRECKER SERVICE

DIAL

685-2530

GARY

We're Here for You!



**The First National Bank
of Carthage**

Member: FDIC

One Bank Place • U.S. Hwy 190 Loop 436
693 3801 693 8511

Patterson

INSURANCE AGENCY

COMMERCIAL • PERSONAL
LIFE • HEALTH

693-3831

Carthage, Texas
101 W. Sabine

Ken
TURNER

PHARMACY 
PHARMACEUTICAL CHEMIST
893 7108

Carthage, Texas

**CAIN
HARDWARE
AND LUMBER**

QUALITY PRODUCTS FOR
QUALITY BUILDING

218 S. SHELBY

PH 693-6841

CARTHAGE



*Builders of
Quality Homes*

Bill Reynolds

Insurance Agency

All Lines Of Insurance
309 W. Sabine
P.O. Box 233

214-693-9337
(Bus.)

214-693-7728
(Res.)

RONNIE GRIFFITH WOOD COMPANY

RT. 1, BOX 213E

GARY, TEXAS 75843

PH. 214-685-2400 OR 683-5880



412 West Panola
Carthage, Texas
693-6791

SKIPPER'S 707 TIRE SERVICE

1125 SHELBY MS 1078 40TH AVE

- MUFFLERS
- ALL TYPE EXHAUST WORK
- WHEEL ALIGNMENT
- BRAKE SERVICE



24 Hour Tire Service Truck
John D. Woods, Owner

Hawthorn

Golden Rule Funeral
Home &

Monument Company

DON & SALLIE LIPSEY

P.O. BOX 188 693 3816
CARTHAGE, TEXAS 75633
NSM & OGR

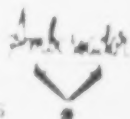
THE BOOKSTALL

A Christian Book Store

106 E. Sabine on the square

PAPERBACKS
GIFTS & PARTY GOODS
STATIONARY
BIBLES
BOOKS

693-5224
We Also Have
AMBASSADOR CARDS



Louisiana-Pacific

Corporation



**Timber Purchases
Timber Management
Assistance**

CARTHAGE, TX. 75633
P. O. Box 688
214/693-3861

FOOD MART

MIKE JOHNSON and STAN AMOS
Timpson, Texas

BOB PARKER

1012 W. PANOLA ST.
CARTHAGE, TX 75633

(214) 693-6464



PANOLA NATIONAL BANK

"The Friendliest Bank in Town"

1510 WEST PANOLA • P.O. BOX 1139

CARTHAGE, TEXAS 75633 • (214) 693-2335



CARTHAGE TWIN CINEMA, INC.

1120 W. Panola
Carthage, Texas 693-7841

FAMILY ENTERTAINMENT

Glenn & Catha Vaughn, Owners

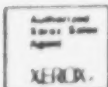
WATCHMAN
OFFICE SUPPLY
OFFICE SUPPLIES & FURNITURE

PRINTING

RUBBER STAMPS

100 WEST SABINE
CARTHAGE, TEXAS 75633

PHONE 693-9789



STATE FARM INSURANCE COMPANIES
HOME OFFICES - BLOOMINGTON, ILLINOIS



Dwain Brady
Agent

Auto - Life - Health - Home and Business
704 W. Panola, Carthage, Texas 75633
Phone: Off. 693-3481 - Res. 693-7563